

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ISMAEL NAMBO SOLORIO,

Petitioner,

v.

MERRICK B GARLAND, et al.,

Respondents.

Case No. 21-cv-1068-RSL-TLF

ORDER DENYING APPOINTMENT  
OF COUNSEL

This matter is before the Court on petitioner's motion for appointment of counsel. Dkt. 6. Petitioner requests appointment of counsel because he cannot afford to retain counsel, he lacks knowledge about the law in this case and has been detained since August 8, 2019. Dkt. 6.

There is no constitutional right to appointment of counsel in Section 2241 habeas actions; however, the Court may exercise its discretion to appoint counsel for a financially eligible individual where the "interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). "In deciding whether to appoint counsel in a habeas proceeding, the district court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved." *Weygardt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983) (per curiam).

The Court finds that this matter does not present a situation where the interests of justice require the appointment of counsel. There is no evidence in the record

1 suggesting petitioner will be unable to present his claims to the Court despite his lack of  
2 legal experience, knowledge or training. Additionally, plaintiff has effectively articulated  
3 his grounds for relief in his petition. Having considered the complexity of the legal issues  
4 involved, petitioner's likelihood of success, and petitioner's ability to articulate his claims  
5 *pro se*, the Court concludes that the interests of justice do not require appointment of  
6 counsel.

7 Accordingly, petitioner's motion to appoint counsel (Dkt. 6) is DENIED without  
8 prejudice. Plaintiff will be allowed to renew this motion if, later in the proceedings, the  
9 interest of justice require appointment of counsel.

10 The Clerk is directed to send a copy of this Order to petitioner.

11 Dated this 23rd day of September, 2021.

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15 Theresa L. Fricke  
16 United States Magistrate Judge  
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